IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 1800 OF 2007

Momin Pada Yaqub Baig Trust.... Petitioner

versus

The Asstt. Charity Commissioner
and others ..... Respondent.

Shri Rajiv Patil for the petitioner
Shri H.A.Solkar for Respondents 2 to 4.
Shri R.M.Patne AGP for State.

CORAM; A.P. DESHPANDE, J.
DATED; 20TH APRIL, 2007

P.C.;

1. By this writ petition the petitioner is seeking quashing of the issues framed by the District Judge Raigad. The petitioner is a trust, who moved an application seeking amendment of clause 14(a) of the scheme. The proposed amendment goes to disentitle the beneficiaries who are decendents of the family of the settler if they happene to act against the objects and interest of the trust. Initially the said amendment application was allowed by the District Judge without hearing all the beneficiaries and without affording an opportunity of hearing to them. Hence the said order was challenged by filing the writ petition in this court. This court set aside the order and remanded the matter back to the District Judge to grand an

opportunity of hearing to all concerned and then pass appropriate order. It appears that after the remand, notices are served on the persons who are likely to be adversely affected by passing of the order by the District Judge on the application moved by the petitioner and thereafter issues are framed. The learned counsel for the petitioner submits that on account of framing of issues and regular trial the matter is being protracted and the decision in the application is delayed. I do not see any reason to interfere with the interlocutory order of the District Judge framing issues, more so, when it is not even contended that the said issues are not germane to the decision of the controversy. I do not see any illegality much less patent and no case is made out for interference in the writ jurisdiction, the writ petition is thus summarily dismissed.

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